



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2012-0054]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated June 15, 2012, the National Railroad Passenger Corporation (Amtrak) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Sections 242.403–(b), (c)(1)–(3), (d), (e)(1)–(4), (e)(6)–(11), (e)(13) and f(1)–(2). FRA assigned the petition Docket Number FRA-2012-0054.

The Confidential Close Call Reporting System (C3RS) pilot project for Amtrak was initially approved by FRA on May 11, 2010. In Docket Number FRA-2010-27678, Amtrak requested and was granted a waiver of certain provisions of 49 CFR Part 240, which governs the certification of locomotive engineers, to support the pilot project. On May 11, 2010, FRA granted the waiver for a period of 5 years. The railroad now requests a similar waiver from the conductor certification regulations for purposes of participating in the C3RS pilot project. Amtrak, the Brotherhood of Locomotive Engineers and Trainmen, and the United Transportation Union desire to shield the reporting employee and the railroad from punitive sanctions that would otherwise arise, as provided in

selected sections of 49 CFR Part 242, to encourage conductor reporting of close calls and protect conductors and Amtrak from discipline or sanctions arising from the incidents reported pursuant to the Memorandum of Understanding for the C3RS, dated May 11, 2010.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue, S.E., W12-140, Washington, D.C. 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays. If you do not have access to the Internet, please contact FRA's Docket Clerk at (202) 493-6030, who will provide necessary information concerning the contents of the petition.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate Docket Number and may be submitted by any of the following methods:

- Web site: <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Fax: 202-493-2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., W12-140, Washington, D.C. 20590.

- Hand Delivery: 1200 New Jersey Avenue, S.E., Room W12-140, Washington, D.C. 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received within [INSERT DATE 45 DAYS FROM PUBLICATION OF THIS NOTICE] of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78,) or online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on October 2, 2012.

Ron Hynes
Director, Office of Safety Assurance and Compliance

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